(19) Departm

SERIES.

G.O. No. 900

Dated

[Despatch Abstract.]

LEGISLATION - South Kanara - Fixity of Tenure -
Tenants in the Coast Strip - grievance -
Proceedings of the Board of Revenue - Recorded.

B Rev 3362 1938

21.7.38

To

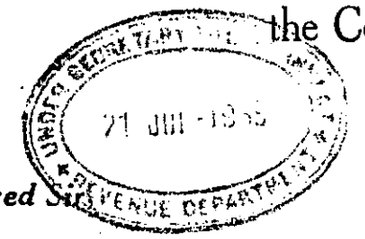
The Hon. Mr. C. Rajagopalachariar,

Prime Minister,

GOVERNMENT OF MADRAS.

Rev

Humble Memorial of the Villagers residing in the Coast strip of South Kanara District.



Dated February 1939

25-5-39

Most Honoured Sir,

Your Honour's memorialists most respectfully beg to submit that they are ever grateful to your Honour and to the Congress Government for the enactment of the Agriculturists' Debt Relief Act which has been a boon to most of them and they assure your Honour of their firm and whole hearted loyalty and support to you and to the Congress.

The present memorial is to bring to Your Honour's kind notice and sympathetic consideration the peculiar hardships under which the tenants holding perpetual leases in the coast villages of this district are being ruined and rendered helpless and homeless, so that Your Honour may graciously be pleased to save them by bringing about such enactment as may be deemed fit.

The chief produce of these Coast villages is rice and cocoanut. A few years ago the prices of rice and cocoanuts here were more than double those at present. In those days of high prices for these staple products most of Your Honour's memorialists got fields and gardens from landlords on permanent lease on rental fixed on the basis of the then prevailing high prices. Since at that time the prices of those commodities were steadily rising from year to year when compared with those of previous years, the rent was calculated on the assumption that the prices of those articles would ever continue if not rise further. There was a rush and thousands obtained big and small holdings of cocoanut gardens and fields on perpetual lease and spent what little they had for building houses on them or effecting improvements thereon with the prospect of getting a decent rate of interest for sums thus invested in addition to the rent payable to the landlord.

But within a few years, most unexpectedly, the prices of cocoanut and rice went on steadily falling year after year so much so that it was not possible to pay the rent which had been fixed on the basis of much higher prices. Nevertheless the tenants hoping that the prices would before long take a steady upward curve managed to pay the landlord by borrowing and by retrenching in every direction even foregoing bare necessities of life in matter of food, clothing, etc.

But the prices went on falling still lower and lower so much so that now they are about 40% of what they were at the time of leasing. Many tenants therefore could not inspite of pledging and disposing all their valuable belongings manage to keep up their leases and have at last forfeited their holdings on which they had built substantial houses or effected considerable improvements for failure of payment of rent which the produce of the plot could not fetch on account of low prices. In spite of forfeiting the lease and improvements thereon the court decrees against them remain unpaid and follow them

ever they go attaching their newly acquired belongings and produces of their new temporary leases or driving them to civil jail. Where the landlord does not see substantial improvements on the holdings for him to swallow up by the application of forfeiture clause and where the lessee is still alive, he stands on law and does not accept the surrender of the lease but oppresses the tenant by yearly suits for rent thereby sucking the life blood out of the self-respecting tenant often driving him to such desperation as to commit suicide in order to avoid the humiliation of civil jail.

Your Honour's memorialists therefore most humbly pray that Your Honour may generously be pleased to consider sympethetically the miserable plight of these tenants who are in thousands in the coast strip of this district and get an enactment passed in the Legislature so as to give them relief from the peculiar nature of their permanent lease contracts whose rents had been fixed on the false basis assuming that the high prices of those old days would ever continue. The enactment may, Your Honour's memorialist humbly suggest, take the line of fixing the rent payable to the landlord as a certain reasonable fraction of the revenue payable for the leased property allowing the remaining fraction as remuneration to the tenant for his labour and investment for improvements etc.

For which act of equity and generosity Your Honour's memorialists will ever remain grateful and loyal to Your Honour's Government and to the great Indian National Congress.

Your Honour's most loyal and humble memorialists,

the villagers of the coast strip,
South Kanara District.

(True Copy submitted to all the members of the Legislative Council and the members of the Upper House.)

Thulunad Press, Udipi.

23 [illegible]
24 [illegible]
25 T. Vittaldas Kini
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29 M. A. Crasto
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52 B. Narayan Acharya, [illegible]
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61 Abdul Rahman Sait
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63 Berdiel Barry
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37 J. Raja.

J. Gopala, Teacher. House-West. 88

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105 [illegible]

106 K. Ramaya Achary. Teacher Thana west.

107 K. Chanda Shetty nephew of [illegible]

108 [illegible]

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116 J. Hombu [illegible]

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121 [illegible]
Court President

122 [illegible]

123 Visitor's Lewis.

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137 ಬಳ್ಳಾಪುರ ಜಿಲ್ಲಾ ಕಾರ್ಯದರ್ಶಿಗಳು

138 ಶ್ರೀನಿವಾಸಪುರ ತಾಲೂಕು

139 ಎಸ್. ಎಸ್. ಪ್ರಸಾದ್

140 ಅಂಗರಹಳ್ಳಿ ಬಿಂಡಿಯರು

141 ಬಿಸ್ಸಾ ಅಬ್ಬಕ್ಕಾ ಕಾಳ್ಳ ಕಾರು

142 ಬಿಸಿಲಹಳ್ಳಿ ಪಟ್ಟಣದಲ್ಲಿ ಕೆಲಸ

143 ಕರ್ನಾಟಕ ಪ್ರದೇಶ ಕಾಂಗ್ರೆಸ್ ಕಮಿಟಿ ಕಾರ್ಯಾಲಯ

144 ಸಿ. ಕೆ. ಸುಬ್ಬಿಹಳ್ಳಿ ಸಿದ್ದಪ್ಪನವರು

145 ಶ್ರೀ ಕೆ. ಚಿಕ್ಕಪ್ಪಯ್ಯ ಸಿಕ್ಕಿದ ಸಿಕ್ಕಿದ ಚೀಟಿ ಮೂರು ತಂದಿದ್ದರು

146 ಜಮ್ಮು ಜಾತಿ ಯುವಜನ.

147 ಪುರಸಭೆಯ ಸದಸ್ಯರು

148 Thomas Rebello

149 ಕಾರ್ಯಕಾರಿಣಿ ಸಮಿತಿಯ ಸದಸ್ಯರು

150 G. K. Krishnaiah

151 ಶ್ರೀ. X. Rebello.

152 ಜಾಮಿಯಾ ಮಿಲಿಯಾ ಕಾಲೇಜಿನ ವಿದ್ಯಾರ್ಥಿಗಳು

153 ಶ್ರೀ. ಎಚ್. ಎಲ್. ಶಾಸ್ತ್ರಿ.

154 ಪತ್ರಿಕಾ ವರದಿಗಾರರು.

155 ಬಿ. ಪಿ. ಪತ್ರಿಕೆಯವರು

156 ಸುದ್ದಿ ಪ್ರಾಪ್ತಿಗಾರರು

157 ಶ್ರೀ ಸ್ವಾಮಿಗಳು.

158 A. [illegible]

159 M. [illegible] Rao.

160 K. Krishnappa

161 ನಂಜುಂಡಸ್ವಾಮಿಯವರು.

162 ಬಿ. ಸೋಮಪ್ಪಲಕ್ಷ್ಮಪ್ಪಗಳು.

163 ಶ್ರೀ. ಗಾಣಿಗ ಚೆಟ್ಟಿಹಳ್ಳಿ ನರಸಿಂಹ -

164 ಯುವಾಧಿಪತಿಯ ಕಾರ್ಯಕ್ರಮ ವ್ಯವಸ್ಥಾಪಕರು ಮತ್ತು ಸಹಾಯಕರು

165 ಶ್ರೀ. ಸಿ. ಎಂ. ಕೃಷ್ಣಮೂರ್ತಿ ಮತ್ತು ಸಿ. ಎಂ. ಮುನಿಯಪ್ಪ

166 ಶ್ರೀ. ಶೇಷಶಾಯಿ ಪತ್ರಿಕಾ ವರದಿಗಾರರು

167 ಕೆ. ಚಿಕ್ಕಣ್ಣ ಮತ್ತು ನರಸಿಂಹ ಸಿಕ್ಕಿದವರು

168 ಶ್ರೀ. ಚಂದಪ್ಪ ಮತ್ತು ಪಕ್ಷದವರು

169 M. Vittala Poojari

170 [illegible]

171 Baptist Gurukul

172 ಅನಂತಮೂರ್ತಿಯವರು

173 ಶ್ರೀ. ವಿಶ್ವನಾಥ್ ಸರ್ [illegible]

174 P. Abdul Kareem Bhandary

175 K. Narayana

176 Manjunatha Rao

177 B. Vamana. Padiya

178 ಶ್ರೀ ನಾರಸಿಂಹಸ್ವಾಮಿಗಳು

179 Sri. Dharmarsa Narayana

180 Sri. Subbamma Ramakrishna

181 ಅಪ್ಪಯ್ಯ ಮುಗಿ ಪಟ್ಟಿ

182 ಅಂಚೆಯ ಮೇಲ್ವಿಚಾರಕರು

183 ಸೈಕಲ್ ಸಿಬ್ಬಂದಿ

184 ಶ್ರೀ. ಜನಾಧಿವಿಲಂಬಧಾನಿ.

185 ಕು. ಅನಂತಲಕ್ಷ್ಮಿ ಕಾರ್ಯದರ್ಶಿ

186 ಶ್ರೀ. ಅಲ್ಲಿಪುರ ಸ್ವಾಮಿಗಳು

187 Natal ಆಶ್ರಮದವರು

188 ಶ್ರೀ. ಸ್ವಾಮಿ ಅಯ್ಯಪ್ಪಸ್ವಾಮಿಗಳು.

189 Fernandez

190 Sri Subbamma

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193 ಮಂಜಪ್ಪ ಕಾರ್ಯದರ್ಶಿ

194 Gregory Barnes

195 BDL ಸರ್.

196 ಶ್ರೀ. ವೆಂಕಟಲಕ್ಷ್ಮಿ ಕಾರ್ಯದರ್ಶಿ

197 ಲಾರಿ ಅಂಗಡಿ ಮಾಲೀಕರ ಸಂಘ

198 ಅಂಜನಪ್ಪನವರು

199 ಸೋಮವಾರಪೇಟೆಯವರು

200 H. Manjunatha.

201 [illegible]

202 ಶ್ರೀ. ಸ್ವಾಮಿಯವರು ಚಂದ್ರಶೇಖರಪುರ ಭಾರತ

203 T. Angara Belchada

266 ವಲ್ಲಭಪ್ಪ ಸಿ ಕಾಮಶೆಟ್ಟಿ

267 ಶ್ರೀ ಪದ್ಮಾವತಿ ಅಮ್ಮ.

268 M. Kalappa Shetty

269 ಶ್ರೀ ಮತಿ ಪಾರ್ವತಮ್ಮ

270 [illegible]

271 M. Moroga Shanigar.

272 ಶ್ರೀ ಮಂಜಪ್ಪ ಪೂಜಾರ್ಯ

273 [illegible]

274 John Francis Lewis

275 ಪಂಗಡದ ಮಹಿಪತಿರಾವ್

276 ಮಹಾಲಕ್ಷ್ಮಿ ಸಾಹುಕಾರರು

277 ನಾಸಿಮುನಿಸಾಬ್ ವಕೀಲರು

278 ಶ್ರೀಮತಿ ಪೂಜಾರಿರವರು

279 [illegible]

280 ಶ್ರೀ ರಾಮಪ್ಪ ಬ್ಯಾರಿರವರು

281 Kalinga Rolle

282 K. ವೀರಣ್ಣಂಬಾ ಲೆಕ್ಕಪಾಂಡೆ

283 [illegible]

284 M. Shivaramaya

285 ಕುಂಟಪ್ಪಯ್ಯನವರು ಕಕ್ಕುಪ್ಪಳ್ಳಿ

286 ಅಚ್ಚುತಪ್ಪ ಶೆಣೈರವರು

287 ಟಿ. ಗೋಪಾಲಕೃಷ್ಣಪ್ಪಯ್ಯರವರು.

288 ಶ್ರೀ ಅಂಗರಕಟ್ಟು ವೆಂಕಪ್ಪ

289 K Bhujanga Rao.

290 ಶ್ರೀಮತಿ ಕೃಷ್ಣಾಬಾಯಿ

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293 ಶ್ರೀಮತಿ ಪಿ. ಪರಮೇಶ್ವರಿ

294 [illegible]

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301 Hiraya Ballal

302 Shaik abdul Muthalib Ismail

303 [illegible]

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305 [illegible]

306 [illegible]

307 [illegible]

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357 R. K. Shetty
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370 P. Krishnamurthy Shetty
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373 Bonifacio Fernandes
374 K. Thaniappa
375 J. J. Pinto
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389 [illegible]

390 [illegible]

391 Ibrahim Saheb.

392 K. Narayana Acharia

393 K. [illegible]

394 [illegible]

395 [illegible]

396 K. Parameshwara [illegible]

397 [illegible]

398 [illegible]

399 Thonse Narayana Ankunta Shetty

400 Thonse Muddanna Shetty.

401 [illegible]

402 [illegible]

403 B. Umanath Malya.

404 V. Manjunatha Kalkur, of Shenkanidu

405 [illegible]

406 [illegible]

407 K. Jillappa [illegible]

15/8/88

Legislation - Fixity of tenure - Tenants in the Coastal Belt of the Santhekanara Tk. From the residents of the area - Rep[n] dt 25.5.88.

R[2] 14.6.88
R[1] 25.4.88
N[1] 6.1.60
R 9.2.60 Reply 20.2.60

Encl: No. 3362 B/88-1 dt. 7.8.88

Referred to the Collector of Santhekanara for report, which should be submitted through the Board of Rev

To the C[ollr] of Santhekanara with the rep[n] recd (Wanted with reply)
Copy to the Board of Rev

C.F. 31—17,006—9-2-37.

Revenue **DEPARTMENT.**

CURRENT No. 1071/B

Received ____ 19 *Registered* 12.3.40 19

ASSISTANT SECRETARY TO GOVERNMENT REVENUE DEPARTMENT 12 MAR 1940

Subject. Legislation (South Kanara) - Fixity of tenure - Tenants in the coast strip - Grievances - Report submitted.

B 1 file 12/3/40

B.P. Mis.No. 687.

Station Madras, *Dated the* 9th March 1940 19

From

S.Venkateswaran Esq., I.C.S.,

Secretary,

Board of Revenue.

Madras.

S.V.Ramamurty Esq., I.C.S.,

Commissioner of Land Revenue

Read the following:-

Letter from A.C.Woodhouse Esq., C.I.E., Collector of South Kanara, D.Dis. No. 5562/39, dated the 21st December 1939.

RESOLUTION:

Submitted to the Government with reference to their Endorsement No. 3362-B-39-1, dated 7th August 1939.

2. The difficulty that is complained of is the reverse of the difficulty which led to the passing of Act XII of 1920. Permanent leases based on the prices current in the decade after the last war are bound to cause hardship. If the cases had been

very numerous, there might be a case for fixing a fair rent somewhat on the lines of Section 12 of Act XIV of 1930 but it is seen from the Collector's report that the cases are not numerous enough for such an arrangement. It is reasonable that a mulgenidar should be permitted to relinquish his lease after reasonable notice when he does not claim compensation for improvements. The Collector has reported that in the Coondapur division, some 2300 leases have been terminated by process of law or by voluntrary surrender. Apparently, therefore, even the cases where a mulgenidar is unable to relinquish a lease when no claim is made for compensation for improvements are not appreciably numerous.

The view of the Collector that there is no case for legislation may therefore be accepted. There is hardly need for a tenancy committee to deal with the difficulty.

(True extract).

for Secretary.

To

The Secretary to Government,
Revenue Department, with memorial returned.

s.s./9-3-40.

Letter from A.C. Woodhouse Esq., C.I.E., Collector of South Kanara, D.Dis.No. 5562/39 dated 21st December 1939.

-

Legislation - Fixity of tenure - Tenants in the coast strip of South Kanara District - Report submitted.

-

Refce.- Endt.No. 3362-B-39-1, dated 7th August 1939 from Government, Revenue Department.

The memorial is from the tenants holding perpetual leases in the coast villages of this district. The land tenures prevailing here are 3 kinds, (1) Mulgeni or perpetual lease, (2) Vaidegeni or tenure entered into for a fixed period generally obtained on prepayment of a fixed sum of money and terminable on the expiry of the stipulated period, and (3) chalgeni lease, which is in force for a short period usually 1 to 3 years. The grievances set forth in the memorial relate to mulgeni tenure. The memorialists represent that they got fields and gardens from landlords on permanent lease on rentals fixed on the basis of the inflated prices of commodities prevailing years ago. There has been an all round depression from about the year 1931 and they seek relief through legislative measures to free themselves from their continued indebtedness to their landlords.

2. The chief produce of this district is rice. Cocoanuts come next in importance and are grown in the coast strip and have a commercial value. The price of rice and cocanuts was high during the years of the last war and for some time after it. The contracts entered into by the mulgeni tenant during these periods may be unprofitable if the prices prevailing subsequent to 1931 are taken into consideration. But there are cases in which contracts were entered into as far as back as 1890 or even earlier. In such cases the rent being only nominal is not sufficient to cover the assessment on the lands. To minimise the rigours of such disparity the Mulgeni Rent Enhancement Act was enacted in 19[illegible].

This piece of legislation was brought on the statute book with the definite object of affording relief to landlords by providing for the enhancement of rent by apportioning the difference between the original assessment and the assessment enhanced at subsequent settlements. Because there were many cases in the district, legislation was found necessary. The institution of numerous suits all over the district since 1920 amply justified that enactment. But the present memorial seeks to reverse this position.

Vide preamble
The Mulgeni Rent
Enhancement
Act at p125 of
Mad. Code Vol
III

3. It is quite possible that the signatories to the -- memorial have some grievance. The Revenue Divisional Officer, Puttur is of opinion that cases are not wanting wherein the mulgeni tenants have surrendered their lands to the landlords as the annual income was found to be less than the rent on account of the fall in prices. The Revenue Divisional Officer Coondapoor states that there is need for fixing a reasonable rent as provided in the Malabar Tenancy Act, 1929 (XIV of 1930) It has been found that out of nearly 7300 leases effected in Coondapoor Division since 1915 about 2300 have been terminated either by the process of law or by voluntary surrender. The number of leases alone would not be a correct basis for -- considering that the memorialists have a case, though the value thereof would be more useful. But it is difficult to go into the question of assessing the value of all the contracts that have been terminated either by process of law or by voluntary surrender. A few cases of hardship have been reported in the Mangalore Division also but the Revenue Divisional Officer -- considers that fresh legislation affecting the community as a whole would not be justified.

4. The memorial does not seem to relate to Contracts entered into before the last war. Contracts entered into in the last years of the war and some time after it till the year of

depression fall into two classes. In those cases in which the rent is payable in kind and not in cash, adjustment is automatic. In cases where the rent is payable in cash. hardship may be felt; but such cases do not seem to be numerous enough to justify -- legislation.

5. If it is found necessary to pursue the matter a Committee may be appointed to examine the question in more detail as is being done withregard to the Malabar Tenancy Act, 1929 (XIV of 1930).

6. The memorial received with the endorsement is enclosed.

11/3

C.M. 33628/39

Legislation - Security of Tenure. Rev dept
TO H.J. Tenants in the Coast Strip of S. Kanara

A. Frank

There is a petn from the tenants in the area lying in the Coast Strip of the South Kanara dt. Their request is that relief shall be given to them by legislation in the matter of fixation of rents payable by them to their landlords.

There are no proposals before the Govt to regulate relations between landlords and tenants in areas other than the Kasaragod taluq of the South Kanara dt.

Machian Secns Called for
May be lodged.

Vide Rev(9) ap pcdg.
Jo m. 16(6 Rev 8573/39
(J)

28/7/39

27.7.39
27/7/39

28.7.39
S

For orders if H.M. desires to examine this question.

It appears that nothing is to be done since the question of Malabar tenancies.

If examination is required we should have to refer to the Local Govt

Information may be obtained from Local Officers but examination [illegible]

A draft Endt. to the Collr. Santa Kanara as submitted for approval

8/8/39

5.8.39

Issued as Endt. to the Collector of Santa Kanara No. 3362-B/38-1 d. 7.8.39. [C No. 1071 B/40] From the Board of Rev., Bl. Ms. No. 687 d. 9.3.40. | 1p 15 cf | 1p 17-21 cf

10 A.S.

The grievances set forth in the memorial at pp 1-3 cf relate to mulgeni tenure (perpetual lease). They represent (memorialists) that they got fields and gardens from landlord on permanent lease on rentals fixed on the basis of inflated prices of commodities prevailing years ago. There has been an all round depression from about the year 1931 and they seek relief through legislative measures to free themselves from their continued indebtedness to their landlords. They propose that the time of fixing the rent payable to the landlord should be at a certain reasonable fraction of the seven payable for the leased property allowing the remaining fraction as remuneration. | 1p 3 cf

(memorialists) — Summarized by the Collr.

to the tenant for his labour and investment of improvements. The Collector's report on the memorial is at pp 19-21 Cf. and the Board's remarks thereon are at pp 17-18 Cf.

2. The Collector states that the contracts entered into in the last years of the war and sometime after the year of economic depression fall into two classes and that whereas in those cases in which rent is payable in kind, adjustment is automatic, in cases where rent is payable in cash, hardship may be felt and that such cases are not numerous enough to justify legislation. The Board agrees with the Coll^r. It is also of the view that there is hardly any need for a Tenancy Committee to deal with the difficulty.

3. In order whether the Board's views may be accepted and the Coll^r also to inform the memorialists that the Govt do not consider that there is a case for legislation.

(N) 8/3/40
26.3.40
OK.
27/3/40

(In Govt No 2970 Rev., Dt., 9-11-39, the grievances of Mulgars (i.e. the owners of lands held on mulgeni

Read 1

No Cf

? 20-21 Cf

? 18 Cf

muse) in the South Kanara Dt in the matt
of payment of the land revenue assessmen
& the municipal & other taxes on such
lands were examined & it was considered
that no action was necessary so far as
payment of land revenue was concerned
As regards the payment to municipal & other
taxes are concerned, Revenal is requested
(G.O. 4818 L.A. Dt. 8-12-39.)

See Pth 21-22 of (IV)

p2-3 of (IV)

Re 28/3

These mulgeni leases in S. Kanara
15 outside the terms of reference
9.3.40 to the Malabar Tenancy Committee
but the report of the Committee
may indicate the lines
on which the grievances of the
mulgenidars in S. Kanara should
be tackled. No action is
necessary at present.

Not attached
Rev
2/4

31.3.40

The request for legislation is
contained truly in a memorial addressed
to the Government by the villagers of a
certain coastal strip in S. Canara.
The local M.L.A. & M.L.C.
do not seem to have moved in

the matter. We may therefore defer the consideration of the question till it is brought before the notice of Govt. in a more representative manner.

bbs.
2/4.

Papers A.

bbs 9/4

To AF

The Board's report may be recorded. It is, perhaps, unnecessary to give any reply to the petitioners.

A draft order is submitted, subject to approval.

8/4
8.4.60

OMK.
8/4/60

9.4.60

C. F.
OK
10.4

5/4/4 Date. Initials.

DRAFT FOR APPROVAL.

C.F. 16.

Re Def.

SUBJECT :—

When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

C/D

Receipt of doc. 6/4/40

READ AGAIN ....., dated ..... 19....

" " ..... " ..... 19....

READ *ALSO* :—

No. 33628/38 from the T. Pultauna, No. Pet., dated 25-5-1938

" Sent to the C.W. Santy Kavara No 33628/38 " 19 7-8-38

" [10/R/40] From the Board of Rev., Nt. No. 6&7 " 19 29.3.40

Order ~~Resolution~~ Ms. ~~Rcut.~~ No. 900, dated 9—4—40 19....

Recalled

To the Board of Rev. ✓

8/4/40

6.4.40

Mr.

6/4/40